

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
MIDDLE DIVISION

FREDERICK DAVID GOODEN,

Plaintiff,

V.

CAPTAIN GARY MALONE, *et al.*,

Defendants.

Case No. 4:11-cv-02897-RBP-TMP

MEMORANDUM OF OPINION

The magistrate judge filed a report January 13, 2012, recommending that this action be dismissed without prejudice for failure to state a claim upon which relief can be granted, pursuant to 28 U.S.C. § 1915A(b)(1). Although the plaintiff was advised of his right to file specific written objections within fifteen days, he has failed to respond to the report and recommendation.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and the recommendation is ACCEPTED. Accordingly, this action is due to be dismissed without prejudice for failing to state a claim upon which relief can be granted, pursuant to 28 U.S.C. § 1915A(b)(1). A Final Judgment will be entered.

DATED this 8th day of February, 2012.

Robert B. Probst

ROBERT B. PROPST
SENIOR UNITED STATES DISTRICT JUDGE